S.B. CIVIL WRIT PETITION NO.7361/2007

Chain Singh.
vs.
Kishan Singh and others.

Date : 6.11.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.J Gehlot, for the petitioner.

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Heard learned counsel for the petitioner.

The present writ petition has been preferred against the orders passed by the trial court as well as appellate court.

The trial court vide order dated 27.11.2006 dismissed the petitioner's application under Order 39 Rules 1 and 2 CPC and the appellate court dismissed the appeal vide order dated 9.12.2006. The petitioner's review petition was also dismissed by a detailed order by the appellate court vide order dated 5.10.2007.

Learned counsel for the petitioner vehemently submitted that the petitioner is in possession of the suit property. The two courts below committed error of law by holding that the petitioner is not in possession of the property. It is also

submitted that the petitioner has placed on record the copies of the electricity bill and water bill to prove his possession but those documents have not been considered properly. It is also submitted that there are reports of Urban Improvement Trust which shows the possession of the petitioner over the property in dispute.

I considered the submissions of learned counsel for the petitioner and perused the reasons given by the two courts below.

It appears that all the documents have been considered by the courts below carefully and thereafter the courts below reached to the conclusion that the patta was granted in favour of the defendant no.1 by the UIT, Jodhpur and the Courts found that the petitioner failed to prove his possession. In view of the above finding of fact, I do not find any reason to interfere in the impugned orders.

Consequently, the present writ petition, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya